

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

WALTER H. KIM, M.D., RESPONDENT

File No. 02-04-491

NOTICE OF HEARING

You are hereby notified that on September 2, 2004, the Iowa Board of Medical Examiners (Board) found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C (2003), and 653 IAC Chapter 12. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon said Statement of Charges on November 17, 2004. The hearing shall begin at 8:30 a.m., and shall be held at the Board office located at 400 SW 8th Street, Suite C, Des Moines, Iowa. The Board shall serve as presiding officer, and the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the Board at hearing.

Within 20 days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 653 IAC 12.18(2) to file an answer to the charges. In that answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you. The procedural rules governing the conduct of the hearing are found at 653 IAC chapter 12.


The office of the Attorney General is responsible for representation of the public interest (the State) in these proceedings. Copies of all pleadings filed with the Board should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg, Esq.
Assistant Attorney General
Iowa Department of Justice
Hoover State Office Building
Des Moines, IA 50319
Phone 515-281-6858

If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 12.28.

The matter may be resolved by settlement agreement, the procedural rules governing the Board's settlement process are found at 653 IAC 12.25. If you are interested in pursuing settlement in this matter please contact Kent M. Nebel, J.D., Director of Legal Affairs, at 515-281-7088.

IOWA BOARD OF MEDICAL EXAMINERS



Bruce L. Hughes, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

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STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on September 2, 2004, and files this Statement of Charges against Walter H. Kim, M.D., (Respondent), a physician licensed pursuant to Iowa Code Chapter 147 (2003) and alleges:

1. Respondent was issued Iowa resident physician license number R-7228 on May 19, 2004.
2. Respondent's Iowa resident physician license is active and will expire on June 30, 2005.
3. The Board has jurisdiction over the parties and subject matter.

COUNT I

4. Respondent is charged under Iowa Code section 148.6(2)(i) (2003) and 653 IAC 12.4(16) with violating a lawful order of the Board.

COUNT II

5. Respondent is charged under Iowa Code section 148.6(2)(h) (2003) and 653 IAC sections 12.4(4) with habitual intoxication or addiction to the use of drugs or alcohol.

CIRCUMSTANCES

6. On May 19, 2004, The Board granted Respondent an Iowa resident physician license subject to a Consent Agreement which placed certain terms and conditions on Respondent's Iowa license. Paragraph 2 (D) of the Consent Agreement prohibited Respondent from consuming alcohol.

7. The Board recently received information indicating Respondent consumed alcohol on at least two occasions in violation of Paragraph 2 (D) of the May 19, 2004, Consent Agreement.

On this the 2nd day of September, 2004, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.



Bruce L. Hughes, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686